

FIRST REGULAR SESSION

# HOUSE BILL NO. 870

98TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE MCNEIL

2023H.011

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to health benefit exchanges.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be  
2 known as section 376.1188, to read as follows:

3 **376.1188. 1. If individuals are unable to receive federal tax credit subsidies under**  
4 **section 36B of the Internal Revenue Code for health insurance coverage purchased through**  
5 **a federally facilitated health benefit exchange in Missouri, the department of insurance,**  
6 **financial institutions and professional registration shall have the authority to establish a**  
7 **health benefit exchange in the state.**

8 **2. The department of insurance, financial institutions and professional registration**  
9 **shall have full discretion and authority to collaborate with any other state or federal**  
10 **agency or entity or any health carrier in establishing a health benefit exchange in the state.**

11 **3. The department of insurance, financial institutions and professional registration**  
12 **may promulgate rules and regulations to implement the provisions of this section. Any rule**  
13 **or portion of a rule, as that term is defined in section 536.010, that is created under the**  
14 **authority delegated in this section shall become effective only if it complies with and is**  
15 **subject to all of the provisions of chapter 536 and, if applicable, section 536.028. This**  
16 **section and chapter 536 are nonseverable, and if any of the powers vested with the general**  
**assembly pursuant to chapter 536 to review, to delay the effective date, or to disapprove**  
**and annul a rule are subsequently held unconstitutional, then the grant of rulemaking**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **authority and any rule proposed or adopted after August 28, 2015, shall be invalid and**  
18 **void.**

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